



Qualified Entity Application

For Criminal History Record Checks under the National Child Protection Act of 1993,
as amended by the Volunteers for Children Act (NCPA/VCA)

Business/Organization Name: _____

Business Address: _____

Business mailing address (if different than above) _____

Business phone number: _____ Business fax number: _____

Name of Contact Person: _____ Contact phone number: _____

Email address: _____

Type of Business/Organization (select one):

☐ Governmental

☐ Private - For Profit

☐ Private - Non Profit

Please check all appropriate areas below that apply to the service(s) provided by your entity to children, the elderly,
and/or the disabled.

Type of Person(s)	Care or Treatment	Education, Training, or Instruction	Supervision	Recreation	Care placement
Child					
Elderly					
Disabled					

Please summarize the type of services your business/organization provides:

Number of current employees: _____ Number of expected employees during the next 12 months _____

Number of current volunteers _____ Number of expected volunteers during the next 12 months _____

Signature of Entity Head: _____ Date: _____

Please mail or fax the completed Qualified Entity Application to: Iowa Division of Criminal Investigation
Record Dissemination Unit
215 E. 7th Street
Des Moines, IA 50319
Fax: 515-725-6080

DCI USE ONLY	Approved: Yes <input type="checkbox"/> No <input type="checkbox"/>	Agency OCA: _____
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IOWA USER AGREEMENT

For Criminal History Record Checks by a Qualified Entity under the
National Child Protection Act of 1993 (NCPA),
as amended by the Volunteers for Children Act (VCA)

I. Parties to Agreement.

This Agreement, entered into by the Iowa Department of Public Safety, Division of Criminal Investigation (DCI), and _____

(hereinafter referred to as Qualified Entity (QE)) is intended to set forth the terms and conditions under which criminal history record checks authorized by the National Child Protection Act of 1993 (NCPA), as amended by the Volunteers for Children Act (VCA), hereafter referred to as NCPA/VCA, shall be conducted.

- A. The DCI has established and maintains intrastate systems for the collection, compilation, and dissemination of state criminal history records and information in accordance with Chapter 692 of the Code of Iowa and additionally, is authorized and does participate in similar multi-state and federal criminal history records systems.
- B. The DCI and its qualified entities are subject to and must comply with pertinent state and federal regulations relating to the receipt, use, and dissemination of records and record information derived from the systems of DCI and the U.S. Department of Justice (Chapter 692, Code of Iowa, and 28 C.F.R. Part 20);
- C. The QE is a public, private, for profit, or not-for-profit entity operating within the State of Iowa and is authorized to submit fingerprint cards and review resultant criminal history records as part of the screening process for its current and/or prospective employees and volunteers (for purposes of this Agreement to include contractors and vendors who have unsupervised access to children, elderly or disabled persons for whom the Qualified Entity provides care) pursuant to the NCPA/VCA and forms the legal basis for the Qualified Entity access to criminal history record information derived from the systems of the U.S. Department of Justice; and
- D. The QE desires to obtain and the DCI is willing to provide such services so long as proper reimbursement is made and all applicable federal and state laws, rules and regulations are strictly complied with.

The DCI and QE agree as follows:

II. Service, Compliance, Processing.

- A. The DCI agrees to:
 - 1. Provide QE with such state criminal history records and information as reported to, processed, and contained in its systems and legally available to the QE; and
 - 2. Act as an intermediary between QE and the U.S. Department of Justice, securing for the use and benefit of QE such federal and multi-state criminal history records or information as may be available to QE under federal laws and regulations.

B. Qualified Entity (QE) agrees to:

1. Submit requests to the DCI for criminal history record checks pursuant to this agreement only for QE's current or prospective Iowa employees and volunteers;
2. QE will obtain a completed and signed Waiver Agreement and Statement form (provided by DCI) from every current or prospective employee, volunteer, contractor or subcontractor, for whom User submits a request for a criminal history record check to DCI. QE shall retain every Waiver Agreement and Statement.
3. Use only fingerprint cards provided by DCI specifically designed for use with requests for criminal history record checks under the NCPA/VCA; provide DCI with a properly completed and executed fingerprint card for each current and prospective employee and volunteer for whom User requests a criminal history record check pursuant to this agreement; and indicate either "NCPA/VCA EMPLOYEE" or "NCPA/VCA VOLUNTEER" in the "Reason Fingerprinted" block of each fingerprint card submitted;
4. Keep all records necessary to facilitate a security audit by DCI and the Federal Bureau of Investigation (FBI) and to cooperate in such audits as necessary. Examples of records that may be subject to audit are criminal history records; internal policies and procedures articulating the provisions for physical security and a current, executed User Agreement with DCI;
5. Notify the current or prospective employee or volunteer of his or her right to obtain a copy of the criminal history records, if any, contained in the report, and of the person's right to challenge the accuracy and completeness of any information contained in any such report, and to obtain a determination as to the validity of such challenge before final determination regarding the person is made by the QE reviewing the criminal history information. Information on these rights may be obtained by contacting the FBI, regarding federal/national records, at FBI, Criminal Justice Information Services Division, Attn: SCU, MOD D-2, 1000 Custer Hollow Road, Clarksburg West Virginia 26306, 304-625-3878;

III. Privacy and Security.

- A. QE shall use criminal history record information acquired hereunder only to screen the QE's current and/or prospective employees and/or volunteers, and only for purpose(s) of employment and/or determination of suitability for access to children, elderly, or disabled persons pursuant to the terms of the NCPA/VCA;
- B. QE shall not duplicate and/or disseminate criminal history record information acquired hereunder for use outside of the QE;
- C. QE will maintain a dissemination log if the criminal history record information is disseminated to the prospective employee and/or volunteer for the purposes of challenging the accuracy of the criminal history record information;
- D. QE has been approved to receive criminal history record information pursuant to specific statutory authority and shall not use criminal history record information acquired pursuant to such approval for any other reason;
- E. QE shall not use or rely upon a criminal history record or information which is or is likely to be out-of-date and, in any event, if criminal activity is pertinent to and considered at the time of an employee or volunteer's service, a current computerized criminal history must be requested and relied upon;
- F. QE may destroy criminal history records after one year post audit and/or after employee or volunteer is no longer working for the QE, whichever is longer. However, please note, QE must also comply with applicable state laws regarding record check retention. QE must retain the original Waiver Agreement

and Statement form for as long as the employee or volunteer is working for QE, or for one year post audit, whichever is longer. Destruction must be accomplished in a way so that the information cannot be retrieved; for example, the records may be shredded;

- G. QE shall keep criminal history records acquired hereunder in a secure file, safe, or other security device, such as a locked file cabinet in an access-controlled area, and shall take further steps as are necessary to insure that the records are accessible only to those of its employees who have been trained in their proper use and handling and have a need to examine such records; and
- H. The QE shall not disseminate any information associated with a request for criminal history records. Any request for criminal history record information received by the QE will be referred to and processed through the DCI.
- I. Either the DCI or the QE may suspend the performance of services under this agreement when, in the reasonable estimation of the DCI or QE, the other party has breached any material term of the agreement. Furthermore, upon DCI becoming aware of a violation of this agreement, which might jeopardize Iowa's access to federal criminal history information, Iowa shall have the option of suspending services under this agreement, pending resolution of the problem. The violation of any material term of this agreement or of any substantive requirement or limitation imposed by the federal or state statutes, regulations, rules referred to in this agreement shall be deemed a breach of material term of the agreement.

IV. Miscellaneous.

- A. QE agrees that:
 - 1. QE is a governmental agency, or is currently operating a lawful business or other entity within the State of Iowa, with a physical address in Iowa;
 - 2. QE is legally authorized to operate its business or other entity within the State of Iowa;
 - 3. QE has complied with and will continue to comply with all requirements to properly operate its business or other entity within the State of Iowa; and
 - 4. QE shall promptly notify DCI upon any change to the above, including but not limited to name, address, and status as a business or other entity operating in Iowa.
- B. This agreement may be amended by DCI as needed, to comply with state or federal laws or regulations, or administrative needs of DCI; and
- C. This agreement is binding upon all QE employees, agents, officers, representatives, volunteers, contractors, vendors, successors in interest, beneficiaries, subsidiaries, and assigns.

IOWA USER AGREEMENT

IN WITNESS HEREOF, the parties hereto have caused this agreement to be executed by the proper officials.

NAME OF QUALIFIED ENTITY: _____

QUALIFIED ENTITY HEAD: _____ TITLE: _____

QUALIFIED ENTITY HEAD SIGNATURE: _____ DATE: _____

IOWA DIVISION OF CRIMINAL INVESTIGATION

BY: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

PLEASE SIGN AND MAIL OR FAX THIS FORM TO: Iowa Division of Criminal Investigation
Record Dissemination Section
215 E. 7th Street
Des Moines, IA 50319

FAX – 515-725-6080